

A U S T I N C I T Y C O U N C I L

AGENDA



Thursday, May 18, 2006

Item # 57
PH

Back

**Zone Hearings/App Ordinances/Restrictive Covenants
RECOMMENDATION FOR COUNCIL ACTION**

Subject: C14-05-0177 - Shropshire Dessau Retail Tract 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11000 Block of Dessau Road (Walnut Creek Watershed) from development reserve (DR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning subject to conditions. Applicant: Complete Real Estate SVC, Inc. (David Schoenemann). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.

Additional Backup Material
(click to open)
No Attachments Available

For More Information: Sherri Sirwaitis, 974-3057

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0177

Z.A.P. DATE: March 21, 2006
April 18, 2006

ADDRESS: 11000 Block of Dessau Road

OWNER/APPLICANT: Complete Real Estate SVC, Inc. (David Schoenemann)

AGENT: Thrower Design (Ron Thrower)

ZONING FROM: DR

TO: GR

AREA: 2.90 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant LR, Neighborhood Commercial District, zoning. This recommendation includes a public restrictive covenant to encompass the Transportation Impact Analysis (TIA) recommendations provided in Attachment A.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

3/21/06: Postponed to April 18, 2006 by the neighborhood (8-0, J. Martinez-absent); M. Hawthorne-1st, J. Pinnelli-2nd.

4/18/06: Approved LR-CO zoning with the following conditions: prohibit Financial Services and Service Station uses and include the TIA recommendations in a public restrictive covenant (7-0, S. Hale, J. Martinez-left early); K. Jackson-1st, J. Pinnelli-2nd.

DEPARTMENT COMMENTS:

The property in question is undeveloped and moderately vegetated. The applicant is requesting a rezoning to develop retail uses, a convenience store and office use on the site.

The staff presents an alternate recommendation of LR, Neighborhood Commercial District, zoning for this tract of land because the location of the property meets the purpose statement of the LR district as it is situated at the entrance to a residential neighborhood. The LR district site development regulations and performance standards are designed to ensure that the use is compatible and complementary in scale and appearance with a residential environment. Neighborhood Commercial zoning would be appropriate at this location because the property is located at the intersection of a collector street and a major arterial roadway. The proposed commercial zoning will provide services to the surrounding residential areas to the northwest and southeast of Dessau Road. There is an existing creek bed located to the north of the site under consideration that will maintain a physical buffer for the proposed commercial uses from the single-family residential neighborhood to the north and west.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	Undeveloped
<i>North</i>	DR, SF-2	Undeveloped (Creek Bed-Existing Drainage Area), Single-Family Residential Uses
<i>South</i>	PUD	Detention Pond, Undeveloped Land (Pioneer Crossing PUD)
<i>East</i>	PUD	Single-Family Residential Uses (Recently developed in the Pioneer Crossing PUD)
<i>West</i>	DR, SF-2	Undeveloped Tract, Single-Family Residential Uses

AREA STUDY: N/A

TIA: Required

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

- 51 - Northeast Walnut Creek Neighborhood Association
- 64 - River Oaks Lakes Estates Neighborhood
- 114 - North Growth Corridor Alliance
- 511 - Austin Neighborhoods Council
- 643 - NorthEast Action Group
- 742 - Austin Independent School District
- 746 - Woodcliff Neighborhood Association
- 937 - Taking Action, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0124	I-RR to GR	Pending	Pending
C14-05-0065.SH	I-RR to MF-2	7/05/05: Approved staff's recommendation for MF-2-CO district zoning with the conditional overlay limiting the site to 2,000 vehicle trips per day, requiring the dedication of 70 feet of right-of-way from the existing/future centerline of Dessau Road in accordance with the Transportation Plan, and limiting development on the site to a maximum of 248 residential units (7-1, B. Baker-Nay, M. Whaley-Absent)	8/18/05: Approved ZAP recommendation of MF-2-CO (7-0); 1 st reading 8/25/05: Approved MF-2-CO with conditions by consent (7-0); 2 nd /3 rd readings
C14-05-0036	DR, DR-H, PUD to P-H	4/19/05: Approved staff rec. of P and P-H by consent (6-0-1, BB-abstain)	5/12/05: Approved P and P-H by consent (7-0); 1 st reading

C14-04-0056	I-RR to SF-2, SF-6, MF-3, CS	11/02/04: Approved staff's recommendation of SF-2-CO, SF-6, MF-3, LR, LR-MU, GR, GR-MU zoning by consent (9-0)	12/16/04: Granted SF-2-CO, SF-6, MF-3, LR-MU, GR and GR-MU (7-0); all 3 readings
C14-04-0127	GR-CO to GR	10/19/04: Approved staff's recommendation of GR-CO zoning by consent (9-0)	11/18/04: Granted GR-CO (7-0); all 3
C14-03-0001	DR to LO	1/28/03: Approved staff's recommendation of LO-CO zoning, w/2,000 trip limit (8-0, J. Donisi-absent)	2/27/03: Granted LO-CO on all 3 (6-0, Goodman-out of room)
C14-00-2241	GR to GR	1/09/01: Approved staff rec. of GR-CO, limiting the site to 2,000 vtpd and prohibiting Automotive Rentals, Automotive Repair Services, Automotive Sales, Business or Trade School, Business Support Services, Commercial Off-Street Parking, Communication Services, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, General Retail Sales (Convenience), General Retail Sales (General), Hotel/Motel, Hospital Services (General), Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Personal Improvement Services, Research Services, Theater, Restaurant (Drive-In, Fast Food), Restaurant (General); (8-0)	2/08/01: Approved GR-CO on all 3 readings (6-0)
C14-00-2101	DR to CS	8/1/00: Approved staff rec. w/ condition of no Adult Oriented Businesses (8-0)	9/28/00: Approved GR-CO w/ conditions on TR 1 & 2 (7-0); all 3 readings
C14H-00-0005	DR to DR-H	9/12/00: Approved staff rec. by consent (6-0)	10/5/00: approved DR-H (5-0); all 3 readings
C14-99-2028	DR to GR	9/21/99: Approved staff rec. of GR-CO, limiting the site to 2,000 vtpd and prohibiting Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing, Business or Trade School, Business Support Services, Commercial Off-Street Parking, Communication Services, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, General Retail	12/02/99: Approved Commission Rec. of GR-CO, but modified rec. to allow Restaurants (5-1, GG-Nay, WL-absent); 1 st reading 12/16/99: Approved GR-CO (7-0); 2 nd /3 rd readings

		Services, Hotel/Motel, Hospital Services (General), Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Personal Improvement Services, Research Services, Restaurant (Drive-In, Fast Food), Theater; (8-0)	
C14-99-0006	I-RR to P	6/08/99: Approved staff rec. of P (6-0)	Approved PC rec. of P (5-0); 1 st reading 1/27/00: Approved P (5-0, Watson-absent, Lewis-out of room); 2 nd /3 rd readings
C14-98-0258	DR to MF-2	10/26/99: Approved staff rec. of MF-2-CO, w/ 400 unit limit, by consent (8-0, BH-off dias)	12/2/99: Approved PC rec. of MF-2-CO w/ conditions (6-0, WL-absent); 1 st reading 1/27/00: Approved 2 nd /3 rd readings by consent (6-0)
C14-98-0257	DR to GR	10/26/99: Approved staff rec. of LO-CO (TR 1, 2, 3) & GR (TR 4 & 5) by consent (8-0, BH-off dias)	12/2/99: Approved PC rec. of LO (TR1), LO-CO (TR 2 & 3) w/ conditions, and GR (TR 4 & 5) (6-0, WL-absent); 1 st reading 1/27/00: Approved 2 nd /3 rd readings by consent (6-0)
C14-98-0126	DR to GR	9/29/98: Approved LR-CO w/ conditions that uses limited to 'NO' uses (9-0)	11/5/98: Approved PC rec. of LR-CO (TRA) & LO-CO (TRB) w/ conditions (6-0); all 3 readings
C14-98-0046	DR to GR-CO	7/14/98: Approved GR-CO; limiting the site to 2,000 vtpd, limit the site to 70% impervious cover, structures 200 feet from the western property line shall not exceed 25 feet in height, and prohibiting Automotive Rentals, Automotive Repair Services, Automotive Sales Automotive Washing, Commercial Off-Street Parking, Pawn Shop Services, (8-0)	8/13/98: Approved PC rec. of GR-CO (6-0); 1 st reading 1/21/99: Approved GR-CO (7-0); 2 nd reading 2/04/99: Approved GR-CO (7-0); 2 nd /3 rd readings
C14-97-0126	DR to GR	12/9/97: Approved GR-CO w/ conditions (5-3)	2/5/98: Approved PC rec. of GR-CO w/ new conditions (5-0); 1 st reading 4/9/98: Approved GR-CO w/ conditions (7-0); 2 nd /3 rd readings

C14-96-0116	DR to GR	10/08/96: Approved staff rec. of GR (9-0)	10/24/96: Approved PC rec. of GR (6-0); 1 st reading 3/06/97: Approved GR (7-0); 2 nd / 3 rd readings
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RELATED CASES: N/A

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic	Bus Route	Bike Route
Dessau Road	Varies	2 @ 24 ft	MAD 4	1,473 (6/21/04)	Not available within 1/4 mile	Priority 1, Route 228

CITY COUNCIL DATE: May 18, 2006

ACTION:

ORDINANCE READINGS: 1st

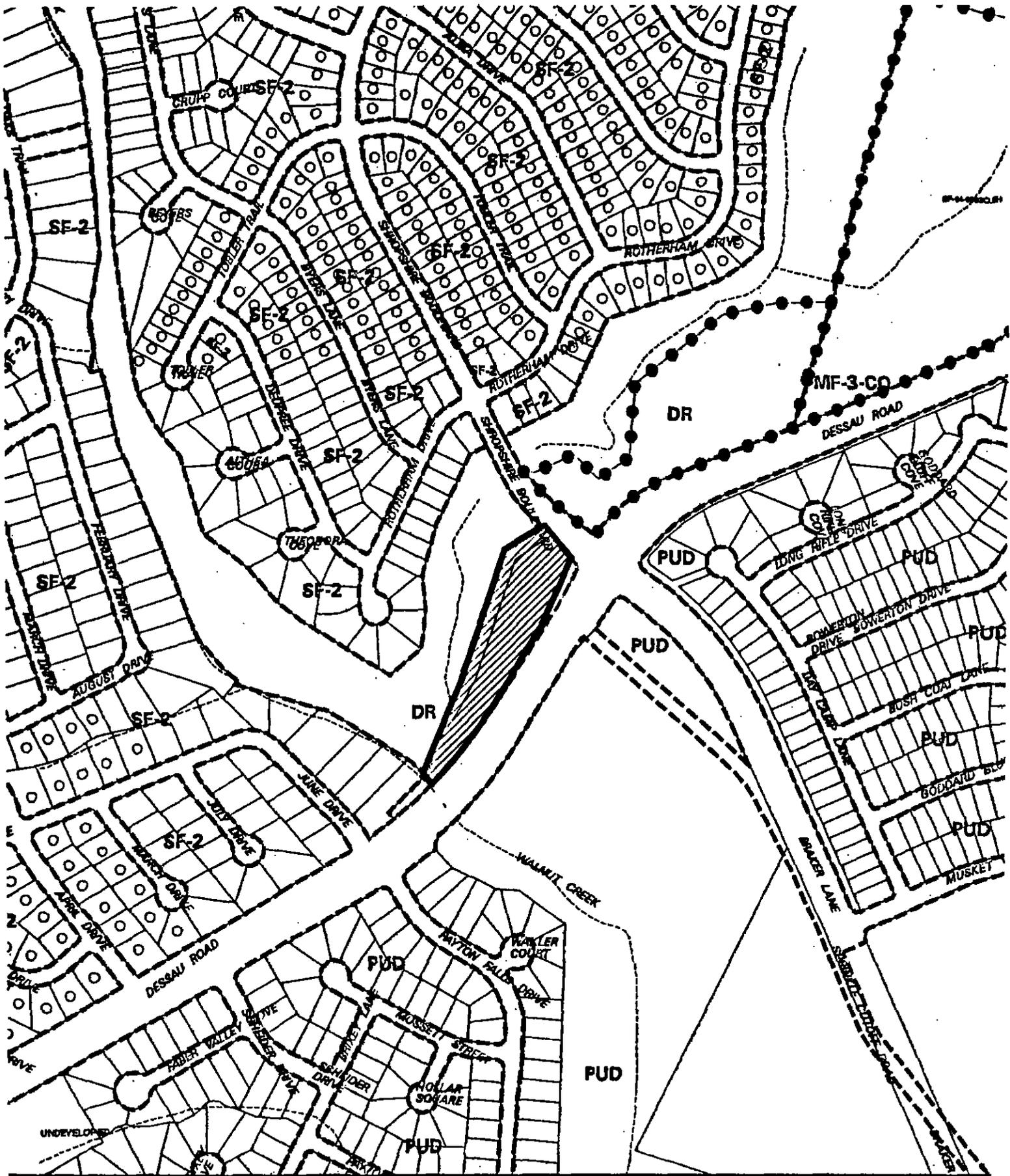
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT 	ZONING	CITY GRID REFERENCE NUMBER N31	
	PENDING CASE 			CASE #: C14-05-0177
	ZONING BOUNDARY 			ADDRESS: 11000 BLOCK OF DESSAU RD.
	CASE MGR: S. SIRWAITIS			DATE: 05-10 INTLS: SM
SUBJECT AREA (acres): 2.920		WALNUT CREEK		

STAFF RECOMMENDATION

The staff's recommendation is to grant LR, Neighborhood Commercial District, zoning. This recommendation includes a public restrictive covenant to encompass the Transportation Impact Analysis (TIA) recommendations provided in Attachment A.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed LR zoning is compatible with the surrounding uses because the property is located at the entrance to a residential neighborhood fronting Dessau Road, a major arterial roadway. LR zoning will allow for commercial development that will be compatible with the SF-2 and DR zoning to the north, the proposed LR zoning to the east and the PUD zoning to the south.

3. *The proposed zoning should allow for a reasonable use of the property.*

- LR zoning will allow for a reasonable use of the property as it will permit a variety of retail and office uses that will provide services to the surrounding residential areas.

4. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The proposed LR zoning will be located at the intersection of a major arterial roadway, Dessau Road, and a collector street, Shropshire Boulevard/Braker Lane.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently undeveloped. The property slopes to the north and is moderately vegetated.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Note: The most restrictive impervious cover limit applies.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is a floodplain within the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Transportation

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, system upgrades, offsite main extension, utility adjustments, and relocation. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan

must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Stormwater Detention

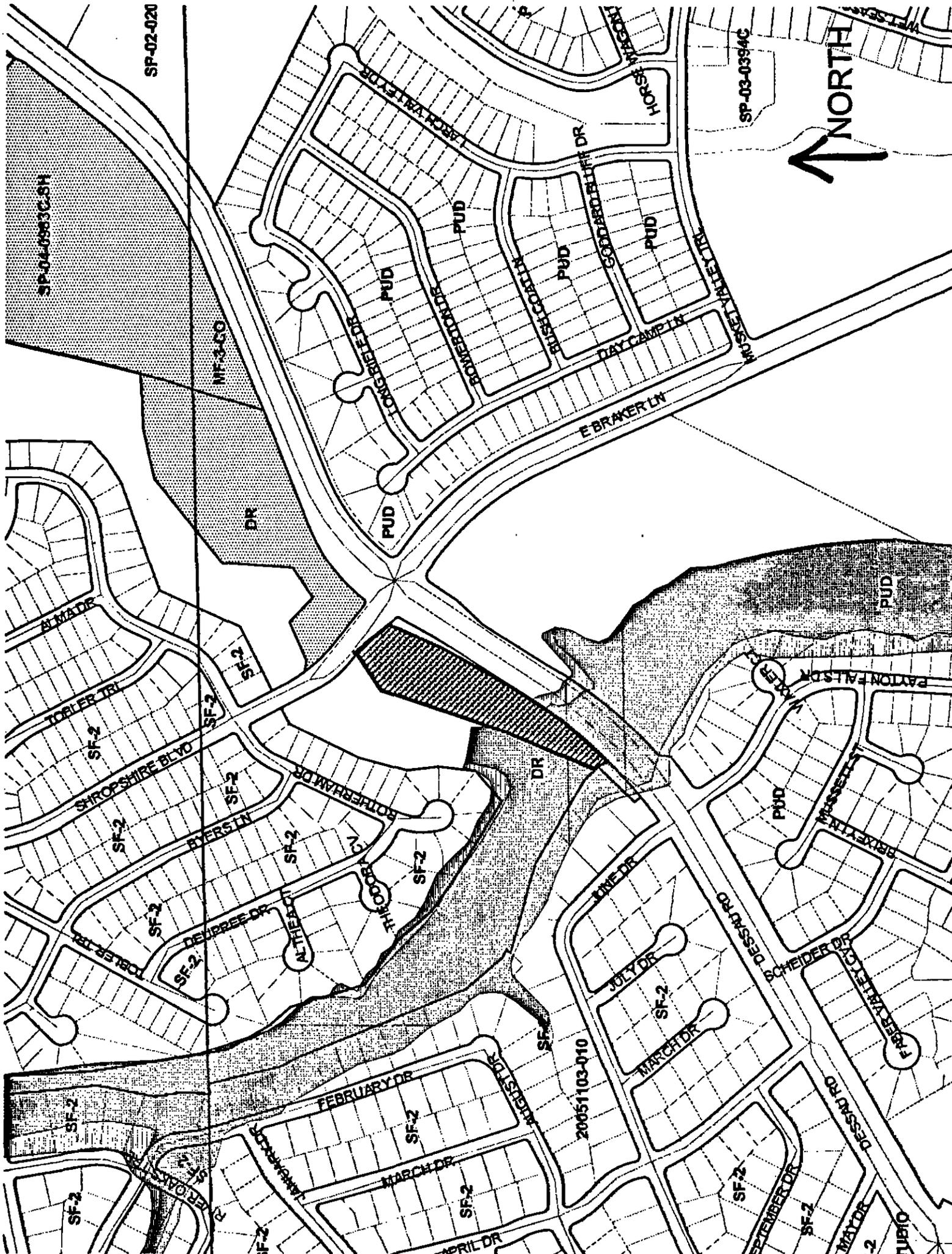
At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

The site is subject to compatibility standards. Along the north and west property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.



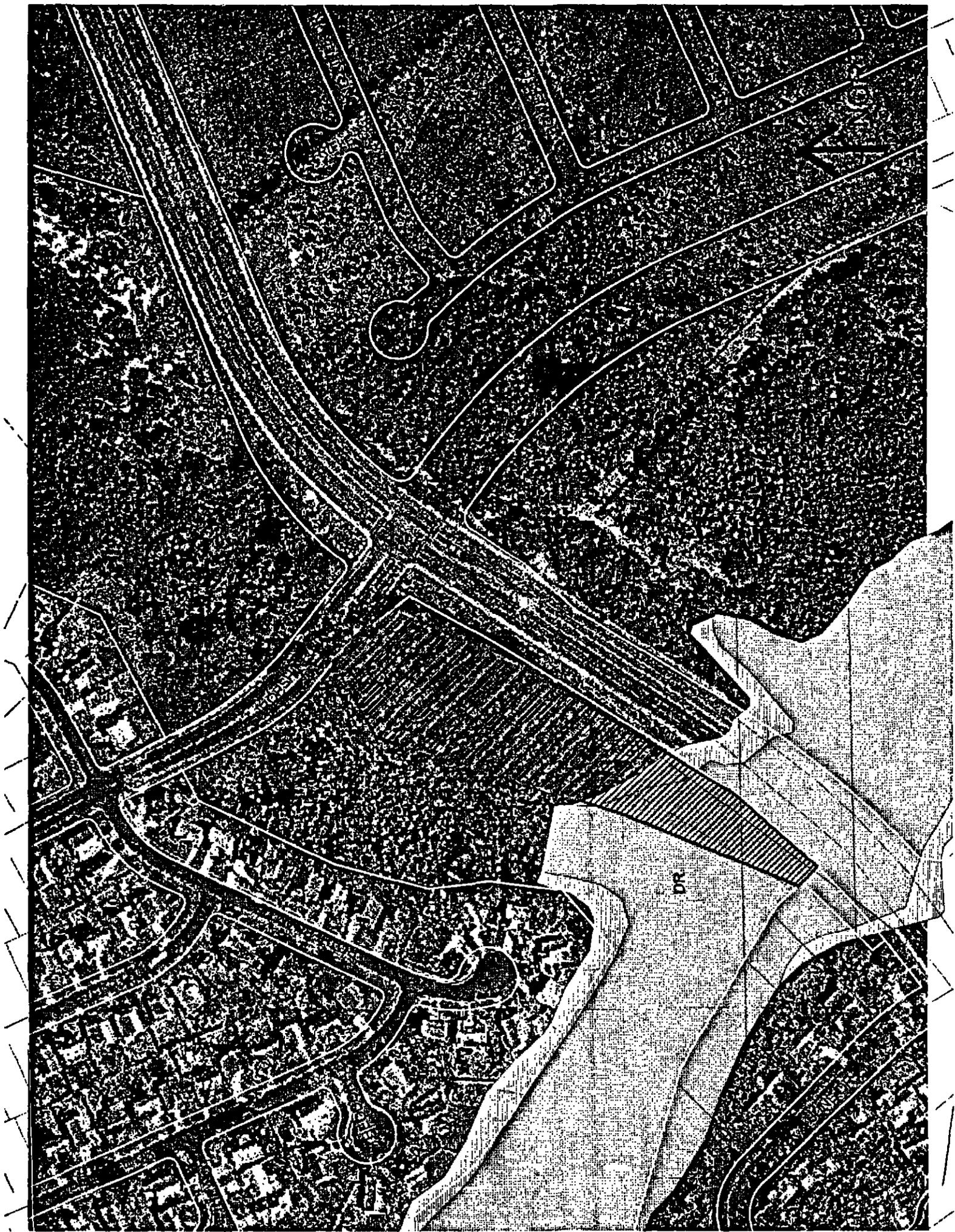
SF-02-020

SP-04-0983C-SH

SP-03-0394C

NF-3-GO

20051103-010





Date: March 15, 2006
To: Sherri Slrwaltis, Case Manager
CC: Scott Feldman, Alliance Transportation Group
Reference: Shropshire-Dessau Retail Tract TIA, C14-05-0176/-0177

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Shropshire-Dessau Retail Tract, dated September 2005, prepared by Scott Feldman of Alliance Transportation Group and offers the following comments:

TRIP GENERATION

The Shropshire-Dessau Retail Tract is a 9.59-acre development located in north Austin at the intersection of Shropshire/Braker Lane and Dessau Road.

The property is currently undeveloped and zoned Development Reserve (DR). The applicant has requested a zoning change to Community Commercial (GR) for the entire tract. The estimated completion of the project is expected in the year 2007.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 4,809 unadjusted average daily trips (ADT).

The table below shows the adjusted trip generation by land use for the proposed development:

LAND USE	Size	ADT	AM Peak	PM Peak
General Office	8,000sf	186	25	82
Shopping Center	20,300sf	2,200	60	145
Convenience Store Open 15-16 hours	3,418sf	N/A	334	93
Drive In Bank	2,400sf	488	30	58
Fast Food with Drive-Thru	3,260sf	1,338	89	57
	Total	4,212	538	435

ASSUMPTIONS

- Background traffic volumes for 2005 included estimated traffic volumes for the following projects:
 - Carmel Valley C14-03-0149
 - Pioneer Crossing C8-98-0115
 - Parmer Park SP-03-0125C
- A growth rate of 1.8% was assumed for all roadways within the study area.

3. Pass-by and Internal capture reductions were taken for the following uses:

Land Use	Pass-By Reductions		Internal Capture Reductions	
	AM	PM	Enter	Exit
General Office	0%	0%	13.3%	1.4%
Shopping Center	0%	34%	21.9%	20.2%
Convenience Store open 15-16 hours	0%	61%	1.7%	3.3%
Drive In Bank	0%	47%	0%	0%
Fast Food with Drive Thru	49%	50%	0%	0%

4. No reductions were taken for transit use.

EXISTING AND PLANNED ROADWAYS

Dessau Road – Dessau Road forms the eastern boundary for this site and is currently constructed as a six-lane major divided arterial. Traffic volumes for Dessau Road south of Parmer Lane were 24,842vpd in 2004.

Shropshire Boulevard – This roadway bisects the proposed site and is currently classified as a 2-lane collector. Adjacent to the subject tracts, Shropshire Boulevard is divided with 20 feet of pavement in the westbound lane and 30 feet of pavement in the eastbound lane. West of the proposed site, Shropshire becomes undivided with a total of 40 feet of pavement. 2005 traffic volumes on Shropshire Boulevard were 3,829vpd.

Braker Lane – Braker Lane forms the eastern leg of the intersection of Dessau Road and Shropshire/Braker. Braker Lane is currently classified as a 4-lane major arterial and the Roadway Plan calls for Braker Lane to be upgraded to a 6-lane major divided roadway by 2025.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 8 intersections, 3 of which are signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

Intersection	2005 Existing		2012 Site + Forecasted	
	AM	PM	AM	PM
Dessau Road and Parmer Lane*	D	D	D	D
Dessau Road and Shropshire/Braker Lane*	D	D	D	D
Dessau Road and Braker Lane*	D	D	D	D
Dessau Road and Driveway 1			A	A
Shropshire Boulevard and Driveway 2			A	A
Shropshire Boulevard and Driveway 3			A	A
Dessau Road and Driveway 4			A	A
Dessau Road and Driveway 5			A	A

*= SIGNALIZED

NIEGHBORHOOD IMPACT ANAYLSIS

A neighborhood traffic impact analysis was performed for the portion of Shropshire Boulevard between Dessau Road and Alma Drive. This segment of Shropshire Boulevard is considered a residential collector because at least 50% of the frontage located within 1500 feet or less from the proposed project's property line has an urban family residential district (SF-5) or more restrictive zoning designation. Shropshire Boulevard is currently divided with 20 feet of pavement in the westbound lane and 30 feet of pavement in the eastbound lane directly adjacent to the subject tract. West of the proposed site, Shropshire becomes undivided with a total of 40 feet of pavement. The current traffic volume on Shropshire Boulevard west of Dessau Road is 3,829 vpd. Applying the assumed 1.8% growth rate, in 2007 the traffic volume on Shropshire will be 3,968 vpd.

Section 25-6-116 of the Land Development Code states that traffic on a residential collector street 40 feet or wider is operating at a desirable level if it does not exceed 4,000 vehicle trips per day. Based upon existing and projected traffic volumes on Shropshire Boulevard, the street is currently operating at a desirable level. With the inclusion of site traffic, total traffic on Shropshire west of Dessau will be 4,208 vpd. Site traffic results in a 5.7% increase in total traffic on Shropshire. It is estimated that this new site traffic will exist on Shropshire with or without the two proposed driveways to Shropshire, due to the assumption that the majority of this site traffic will be generated by the adjacent neighborhood. Therefore, elimination of the two driveways proposed to Shropshire will not eliminate the 5.7% increase in total traffic on Shropshire. As a requirement of this development, fiscal will be posted to restripe the eastbound leg of the intersection of Shropshire and Dessau to provide a designated left turn.

RECOMMENDATIONS

- 1) Prior to 3rd Reading at City Council, fiscal is required to be posted for the following improvements:

Intersection	Improvement	Pro Rata Share Percentage
Dessau Road and Parmer Lane	Add an eastbound left turn lane	4.5%
Dessau Road and Shropshire/Braker Lane	Restripe eastbound thru lane as a left turn lane	67%

- 2) Final approval from the Texas Department of Transportation is required prior to scheduling this case for City Council.
- 3) Submittal of 3 copies of the final version of the TIA is required prior to 3rd Reading at City Council.
- 4) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2628.



Amy Link
Sr. Planner - Transportation Review Staff
Watershed Protection and Development Review